

Info
NIC 01971-86

OFFICE OF CONGRESSIONAL AFFAIRS
Routing Slip

	ACTION	INFO
1. D/OCA		
2. DD/Legislation		X
3. DD/Senate Affairs		X
4. Ch/Senate Affairs		
5. DD/House Affairs		
6. Ch/House Affairs		X
7. Admin Officer		
8. Executive Officer		X
9. FOIA Officer		
10. Constituent Inquiries Officer		
11.		
12.		

SUSPENSE

Date

Action Officer:

Remarks:

GJ / 18 Apr 86

Name/Date

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The Director of Central Intelligence
Washington, D.C. 20505

UNIT FILE	VAL AFFAIRS
RECEIPT #	Record

National Intelligence Council

NIC #01971-86
17 April 1986

MEMORANDUM FOR: Deputy Director of Central Intelligence

THROUGH: Acting Chairman, National Intelligence Council

FROM: Fritz W. Ermarth
National Intelligence Officer for USSR

SUBJECT: Action on the "Gingrich Amendment"

1. I was visited today by John Hamilton of State/EUR about a response to the "Gingrich Amendment" (see attachment, Sec.155).

2. This piece of law arises apparently from a belief on the part of its proponents that the State Department is not hard-headed enough about the Soviets; they want to create a new bureau in State to set things right.

3. At some level, evidently very low, State has decided it wants to reply by compiling a description of all the activities within the USG that indicate comprehensive attention to Soviet international behavior, including active measures. The formal response to Congress is due 1 June.

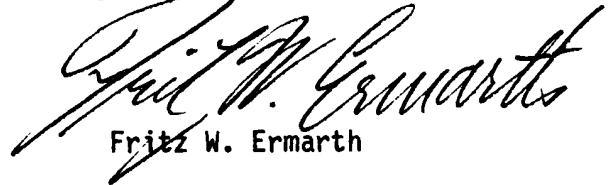
4. Hamilton came to ask me to write it, or part of it, for them. I said no. I told him that it looked like no substantive response to this vague and prejudicial charge would be adequate, especially if it did not originate in State. I opined that State had two options: a) To give the Secretary a response letter that says buzz off; or b) assemble a formal process of some kind whereby the Secretary can claim, on the basis of inputs by all interested agencies (e.g., Intelligence Community, State, USIA, FBI, etc.) that the US Government believes it has the problem well in hand, and that, in any case, creation of a new bureau in State is not the right way to fix any "attitude problems" there. I pointed out further that a response mandated by public law probably required a formal paper trail that would withstand scrutiny. Finally, I noted that, as a senior staff type with one assistant, one secretary, and a lot of business, I could neither assign this task to anyone nor break off to work his problem myself unless directed to do so.

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5. I recommended that he get his office to design the desired response package and then formally request inputs from the appropriate agencies, e.g., through a letter from the Assistant Secretary. Meanwhile, I would alert my chain of command and get back if we had any better suggestions.

6. I plan, unless you recommend otherwise, to call Mark Palmer to reiterate this. In any case, we should only make a contribution in response to a formal, specific request, and it should only be one of several inputs to a product that is authentically State's. And further, I sure hope you can think of someone other than me to handle this. I might end up agreeing with Gingrich.



Fritz W. Ermarth

cc: OLL
NIO/FDIA
D/SOVA
D/OGI
C/DO/SE

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SEC. 154. DAMAGES RESULTING FROM DELAYS IN THE CONSTRUCTION OF THE UNITED STATES EMBASSY IN MOSCOW.

(a) **RESTRICTION; REIMBURSEMENT FOR DAMAGES INCURRED.**—The Secretary of State shall not permit the Soviet Union to occupy the new chancery building at its new embassy complex in Washington, D.C., or any other new facility in the Washington, D.C. metropolitan area, if the Soviet Union fails to provide prompt and full reimbursement to the United States for damages incurred as a result of the construction of the new United States Embassy in Moscow. The amount of such reimbursement shall be determined by agreement between the United States and the Soviet Union or, in the event of disagreement, by international arbitration pursuant to subsection (b).

(b) **INTERNATIONAL ARBITRATION.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall initiate actions to begin the international arbitration process, which is provided for in the embassy construction agreement between the United States and the Soviet Union, in order to resolve all United States claims against the Soviet Union for damages arising from delays in the construction of the new United States Embassy complex in Moscow.

(c) **REPORT.**—In the event the amount of reimbursement provided to the United States under subsection (a) by the Soviet Union is less than the amount of funds expended for the damages described in subsection (a) that are determined by the Secretary of State to be the responsibility of the Soviet Union, the Secretary of State shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. Such report shall contain a detailed explanation of the reasons the Secretary accepted the settlement arrangements of the United States claims and the financial costs to the United States of doing so.

(d) **SUSPENSION OF RESTRICTIONS.**—The Secretary of State may suspend the restrictions in subsection (a) in the interests of United States national security if the Secretary certifies to the Congress that a substantial number of the claims described in subsection (a) are settled and that resolution of any remaining claims is proceeding in a satisfactory manner. If the Secretary exercises the authority under this subsection, the Secretary shall report to the appropriate committees of the Congress every six months concerning progress on resolution of any outstanding claims.

SEC. 155. SOVIET AND INTERNATIONAL COMMUNIST BEHAVIOR.

Not later than one year after the date of enactment of this section, the Secretary of State shall prepare and transmit to the Speaker of the House of Representatives, and to chairman of the Committee on Foreign Relations of the Senate, an unclassified report on the advisability of establishing a permanent office in the Department of State to study Soviet and international Communist behavior that violates the concepts of national sovereignty and peace between nations. In conducting the study required by this section, the Secretary may make use of suitably qualified journalists and scholars.

TITLE II—UNITED STATES INFORMATION AGENCY

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise available for such purposes, there are authorized to be appropriated for the United States Information Agency \$887,900,000 for the fiscal year 1986 and \$887,900,000 for the fiscal year 1987 to carry out international